



Entered on Docket
June 10, 2010

Bruce A. Markell

Hon. Bruce A. Markell
United States Bankruptcy Judge

WILDE & ASSOCIATES
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09-78219

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Edgar M. Balagtas and Florian R. Balagtas

Debtors.

BK-S-08-19435-bam

MS Motion No. 100
Date: March 30, 2010
Time: 1:30 PM

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the post-petition arrearages currently due as follows:

4 Monthly Payments(s) at \$3,855.75 (January 1, 2010 - April 1, 2010)	\$15,423.00
Motion for Relief Filing Fee	\$150.00
Attorneys Fees	\$750.00
Total	\$16,323.00

The total arrearage shall be paid in six monthly installments. Payments one through five (1-5) in the amount of \$2,720.50 shall be in addition to the regular monthly payment and shall be due on or before the 20th day of the month commencing with the May 20, 2010 payment and continuing throughout and concluding on or before October 20, 2010. The sixth final payment in the amount of \$2,720.50 shall be paid on or before November 20, 2010.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtors at least five business days' notice of the time, place and date of sale.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning with the , payment, on Secured Creditor's Trust obligation, encumbering the subject Property, generally described as 3820 Marsh Sparrow Ln , North Las Vegas, NV 89084, and legally described as follows:

LOT FIFTY-FOUR (54) IN BLOCK ONE (1) OF CLUB ALIANTE UNIT 1 PHASE 2 AS SHOWN MY MAP THEREOF ON FILE IN BOOK 116 OF PLATS, PAGE 84 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA AND AMENDED BY THAT CERTAIN CERTIFICATE OF AMENDMENT RECORDED JUNE 3, 2004 IN BOOK 20040603 AS INSTRUMNET NO. 01247 OF OFFICIAL RECORDS.

PARCEL I:

RESERVING THEREFROM, AN EASEMENT FOR INGRESS AS EGRESS, USE AND ENJOYMENT OVER THOSE PRIVATE STREETS AND COMMON AREAS AS SHOWN ON THE MAP REFERRED TO ABOVE AND AS SET FORTH IN THE CERTATIN MASTER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR ALIANTE RECORDED NOVEMBER 27, 2002 IN BOOK 20021127 OF OFFICIAL RECORDS, AS DOCUMENT NO. 02998 AND IN THAT CERTAIN DELCARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CLUB ALIANTE RECORDED MAY 28, 2004 IN BOOK 20040528 OF OFFICIAL RECORDS, AS DOCUMENT NO. 0006080 AND RE-RECORDED AUGUST 17, 2004 IN BOOK 20040817 OF OFFICIAL RECORDS, AS DOCUMENT NO. 000596, AS NOW OR HEREAFTER AMENDED.

AN EASEMENT FOR INGRESS AS EGRESS, USE AND ENJOYMENT OVER THOSE PRIVATE STREETS AND COMMON AREAS AS SHOWN ON THE MAP REFERRED TO ABOVE AND AS SET FORTH IN THE CERTAIN MASTER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR ALIANTE RECORDED NOVEMBER 27, 2002 IN BOOK 20021127 OF OFFICIAL RECORDS, AS DOCUMENT NO. 01887 AND IN THAT CERTAIN DELCARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SUN CITY ALIANTE RECORDED FEBRUARY 20, 2003 IN BOOK 20030220 OF OFFICIAL RECORDS, AS DOCUMENT NO. 00275 IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CLUB ALIANTE RECORDED MAY 28, 2004 IN BOOK 20040528 OF OFFICIAL RECORDS, AS DOCUMENT NO. 0006080 AND RE-RECORDED AUGUST 17, 2004 IN BOOK 20040817 OF OFFICIAL RECORDS, AS DOCUMENT NO. 000596, AS NOW OR HEREAFTER AMENDED.

[illegible]

IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete possession thereof.

Submitted by:

WILDE & ASSOCIATES

By _____

GREGORY L. WILDE, ESQ.

Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

APPROVED AS TO FORM & CONTENT:

Kathleen A Leavitt

By _____

Kathleen A Leavitt
Chapter 13 Trustee
201 Las Vegas Blvd., So. #200
Las Vegas, NV 89101

Lawrence D. Rouse

By _____

Lawrence D. Rouse
Attorney for Debtors
523 South Eighth Street
Las Vegas, NV 89101

Nevada Bar No. _____

1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☒ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☐ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☒ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☐ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor